

TO: The Honorable Board of Supervisors

FROM: L. Carol Edmonds, Interim County Administrator

DATE: June 8, 2009

**SUBJECT: AGENDA REPORT**

---

**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Blacksburg Technology Manufacturing Building

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Community College Board  
2. Personnel

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

#### **IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

#### **V. INVOCATION**

#### **VI. PLEDGE OF ALLEGIANCE**

#### **VII. PUBLIC HEARING**

**A. SUBJECT: BOARD OF SUPERVISORS**

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on May 24, 2009 and May 31, 2009:

Ordinance Amending Chapter 1, Section 1-6

**An Ordinance Amending Chapter 1 Entitled General Provisions Section 1-6 of The Code of The County of Montgomery Virginia by clarifying that the Courthouse Security Fee Assessed as additional costs in Criminal or Traffic Cases shall apply to Juvenile Domestic Relations District Court and that the Processing Fee shall be ordered as part of court costs when an individual is admitted to the Regional Jail. A copy of the proposed ordinance is included in TAB A .**

## **VIII. DELEGATIONS**

### **A. SUBJECT: VIRGINIA DEPARTMENT OF TRANSPORTATION**

#### **Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

### **B. SUBJECT: INMATE LITTER CLEAN-UP PROGRAM**

#### **Inmate Litter Clean-up Program**

The Montgomery County Sheriff will make a presentation on the Inmate Litter Cleanup Program. See TAB B for a copy of the report for the amount of litter picked up in May 2009.

## **IX. PUBLIC ADDRESS**

## **X. ADDENDUM**

## **XI. CONSENT AGENDA**

## **XII. OLD BUSINESS**

**A. SUBJECT: REZONING REQUEST – JOHN GUNTER  
AND DEAN A. SMITH**

**ORD-FY-09-  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION  
OF APPROXIMATELY 3.0 ACRES LOCATED  
AT 2348 & 2330 MEADOW CREEK ROAD  
IDENTIFIED AS TAX PARCEL NO(S) 118-5-11 AND  
118-5-12, PARCEL NO(S) 022151 AND 022152  
FROM RESIDENTIAL (R-3) TO AGRICULTURAL (A-1)  
IN THE RINER MAGISTERIAL DISTRICT  
JOHN GUNTER AND DEAN SMITH**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that they proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 3.0 acres of land is hereby amended and rezoned from the zoning classification of Residential (R-3) to Agriculture (A-1).

This action was commenced upon the applications of John Gunter and Dean Smith.

The property is located at 2348 & 2330 Meadow Creek Road and is identified as Tax Parcel No. 118-5-11 and 118-5-12 (Account #'s 022151 and 022152) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

**JUSTIFICATION:** At their May 14, 2009 meeting, the Planning Commission recommended approval of this rezoning.

### **XIII. NEW BUSINESS**

#### **A. SUBJECT: FY 2009-2010 BUDGET APPROPRIATION**

##### **A-FY-10-01 RESOLUTION OF APPROPRIATION FY 2009-2010 BUDGET**

See TAB E for a copy of the FY 2009-2010 Budget Appropriation.

ISSUE/PURPOSE: Appropriate the FY 2009-2010 budget. See TAB for a copy of the FY 2009-2010 Budget Appropriation. TAB E also includes a letter of request from the Montgomery County Schools to appropriate the FY 2009-2010 school operating and school nutrition budgets.

#### **B. SUBJECT: RESOLUTION APPROVING THE AGREEMENT FOR THE PROVISION OF ELECTRIC SERVICES BY AMERICAN POWER COMPANY**

##### **R-FY-09- RESOLUTION APPROVING THE AGREEMENT FOR THE PROVISION OF ELECTRIC SERVICES FOR THE COUNTY OF MONTGOMERY BY AMERICAN POWER COMPANY**

WHEREAS, The VML/VACo Appalachian Power Company (“APCo”) Steering Committee (the “Committee”) comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of APCo the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service of street lights by aforesaid governmental units from APCo as a single source provider; and

WHEREAS, APCo has agreed with the Committee to furnish counties, cities, towns and other political subdivisions (“Public Authorities” or “PAs”) in its service area such electric services as shall be purchased for governmental facilities for a three year term commencing on July 1, 2009 at rates which parallel those approved by the Virginia State Corporation Commission for regulated

customers and APCo has also agreed to provide an aggregate total rate surcredit to the PA class of customers amounting to \$5.25 million over the three year contract term; and

WHEREAS, Such agreement shall also provide, among other things, that APCo will install appropriate meters to measure the future PA class load, and upon termination of such contracts to supply PA load data, cost of service analysis, and to negotiate with representatives of the PA class in good faith on a cost of service basis for further contracts; and

WHEREAS, If applicable, APCo also will furnish street lighting service to PAs on a three year contract, commencing on July 1, 2009; and

WHEREAS, On advice and recommendation of the Committee, the terms of such agreements and contracts which so provide, including the rates, are deemed fair and reasonable; and further that APCo is the sole practical source of electric services for the County of Montgomery, Virginia; and

WHEREAS, Contracts for such electric services, including such as relate to street lighting, if applicable, for three years, commencing July 1, 2009, which have been reviewed by the Committee, its counsel and consultants, and approved as to form by the County Attorney, have been duly presented to the meeting and considered,

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia on motion duly made and seconded, the following resolutions are duly Adopted:

1. That the contracts referred to above for the provision of electric services to the County of Montgomery County, Virginia by Appalachian Power Company for a three year term commencing on July 1, 2009 are hereby approved and adopted; and
2. That Annette Perkins, Chair, is hereby authorized to execute and deliver said contracts to Appalachian Power Company for and on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Resolution to enter into an agreement for electric services with APCO.

**JUSTIFICATION:**

The VML/VACo/APCo Steering Committee approved the agreement with APCO following months of extensive negotiations to provide electrical service to local governments and other political subdivisions. The resolution authorizes Montgomery County to enter into an agreement with APCO and authorizes the Chair to execute the necessary documents. See TAB **F** for a copy of the Agreement.

**C. SUBJECT:**

**RESOLUTION OF APPRECIATION  
MONTGOMERY COUNTY PLANNING  
COMMISSION – WILLIAM STEPHEN  
HOWARD**

**R-FY-09-  
RESOLUTION OF APPRECIATION  
MONTGOMERY COUNTY PLANNING COMMISSION  
WILLIAM STEPHEN HOWARD**

***WHEREAS, William Stephen Howard*** has faithfully served as a member of the Montgomery County Planning Commission from June 1, 2001 through May 31, 2009; and

***WHEREAS, William Stephen Howard*** served as Secretary of the Planning Commission for 2003, 2004 and 2005; and

***WHEREAS, William Stephen Howard*** served as Vice Chair for 2006 and as Chair for 2007; and

***WHEREAS, The County recognizes the impartial and dedicated service that William Stephen Howard has rendered the citizens of Montgomery County.***

***NOW, THEREFORE, BE IT RESOLVED,*** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***William Stephen Howard.***

***BE IT FURTHER RESOLVED,*** That the original of this resolution be presented to ***William Stephen Howard*** and that a copy be made a part of the official Minutes of Montgomery County.

ISSUE/PURPOSE: Resolution in appreciation for William Stephen Howard's service to the County as a member of the Montgomery County Planning Commission.

JUSTIFICATION: Mr. Howard's second term on the Planning Commission expired on May 31<sup>st</sup>. Because of the two-term limit, he is not eligible for reappointment.

#### **XIV. COUNTY ATTORNEY'S REPORT**

#### **XV. COUNTY ADMINISTRATOR'S REPORT**

1. Employee Service Awards

#### **XVI. BOARD MEMBERS' REPORT**

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Marrs
5. Supervisor Biggs
6. Supervisor Politis
  - Fire & Rescue –County Wellness Plan
7. Supervisor Perkins

#### **XVII. OTHER BUSINESS**



## **XVIII. ADJOURNMENT**

### **FUTURE MEETINGS**

**Special Closed Meeting**  
**Wednesday, June 10, 2009**  
**5:30 p.m.**

Adjourned Meeting  
Monday, June 22, 2009  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Regular Meeting  
Monday, July 13, 2009  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda